

REMARKS

The Office Action of June 29, 2004 and the references cited therein have been carefully studied and, in view of the above changes and the following representations, reconsideration and allowance of this application are most respectfully requested.

The Examiner notes that the listing of references in the specification is not a proper information disclosure statement and that the list of references must be submitted in a separate paper in order to be considered. Applicant appreciates the Examiner's comments. However, a proper Information Disclosure Statement was submitted by Applicant on May 26, 2004 and a postcard receipt indicating receipt by the Patent Office on June 1, 2004 was received by Applicant. (A copy of each is included herewith.) The IDS properly lists the reference cited by Applicant in the specification and a copy of the reference was submitted. Applicant respectfully requests that the IDS be considered by the Examiner.

The Examiner has objected to the disclosure because reference numeral "26" refers to an opening or jaw and a scored line. Applicant has amended the specification to indicate that reference numeral "32" refers to a scored line in order to be consistent with the rest of the specification and drawings.

The Examiner has rejected Claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,937,485 to Dittmer. According to the Examiner, Dittmer discloses a device for fastening paper comprising a front, generally flat, cover and a back, generally flat cover being formed from a single sheet of material and joined together by only a portion of the material adjacent one corner of the front and back covers, and a clip pivotably mounted to both of the front and back covers adjacent the corner, the clip being pivotable from an operative position wherein the papers may be released from the clip. The Examiner states that

Dittmer discloses that the front and back covers are scored and that the paper fastening device is fabricated from a single sheet of flexible plastic material or other suitable material. The Examiner further states that Dittmer discloses the claimed invention except for the shape of the covers being generally rectangular and the shape of the clip being substantially triangular but that it would have been an obvious matter of design choice to make the different portions of the document holder of whatever form or shape that is desired or is expedient. Furthermore, the Examiner states that Applicant has failed to disclose that the shape of the members of the document holder is critical to the invention. Applicant respectfully disagrees.

Dittmer discloses a paper fastening device similar to a binder clip for securing a stack of papers without creasing or deformation of the papers.

Applicant's invention essentially includes a document holder for holding one or more sheets of paper including, among other things, a front, generally flat, rectangular cover and a back, generally flat, rectangular cover, the covers being formed of a single sheet of material and joined together by only a portion of the material adjacent one corner of the front and back covers, and a substantially triangularly shaped clip pivotably mounted to both of the front and back covers adjacent the corner, the clip being pivotable from an operative position wherein the papers are held between the covers by the clip and an inoperative position wherein the papers may be released from the clip, the clip covering the portion of the material when in the operative position. Because of Applicant's unique arrangement, his document holder functions well as a presentation cover as is more fully explained in the specification.

Applicant has amended the claims in order to more clearly define his invention. Applicant now recites that the generally flat, rectangular back and front covers are elongated and that the covers are adapted to substantially enclose the sheets of paper therebetween. Applicant

has amended the specification in order to provide proper antecedent basis for this language. No new matter has been added. The elongated rectangular covers are clearly shown in the figures.

Dittmer does not teach nor suggest many of the claimed features of Applicant's invention and his device can not function effectively as a presentation cover. For example, Dittmer discloses a clip for holding papers together whereas Applicant's invention is directed toward a document holder with a front, generally flat rectangular cover and a back, generally flat rectangular cover and a clip mounted to the covers. Dittmer does not disclose front and back covers. Rather, Dittmer discloses a clip where a portion of the clip is attached to a triangular body member. The triangular body member helps to retain the papers at an edge of the papers. This triangular body member is not a cover as recited by Applicant in the claims. It does not and is not capable of substantially enclosing the papers being held therebetween nor does it protect the papers in anyway.

Furthermore, Claim 1, as now presented and as originally presented, requires that the clip cover the portion of the material that connects the front and back covers. Dittmer neither shows nor suggests this feature nor does the Examiner address the same.

With respect to Claim 2, the Examiner refers to elements 17, 19 and 21 of Dittmer as being scored. Applicant does not agree. However, even if they be score lines, they are not diagonal as now claimed. The diagonal score allows the cover to lie flat in its open position. There is simply no reason to make the lines 17, 19 or 21 of Dittmer diagonal.

The Examiner states that it would have been obvious to vary the shape of the various portions of the document holder and that Applicant has not disclosed any criticality to the shape of the various elements of his invention. Applicant respectfully disagrees. The front and back elongated rectangular covers of Applicant's invention are necessary in order to cover the

documents being retained therein. The Dittmer device does not cover the documents or papers being retained by the clip. Nor is the Dittmer device capable of covering the documents being retained therein. If the "cover" were made rectangular and larger in order to meet the claims, the Dittmer device would be inoperative. Therefore, Dittmer does not teach nor suggest Applicant's claimed invention.

In view of the foregoing, Applicant submits that all of the claims presently in the application clearly and patentably distinguish over the references of record and should be allowed. It is believed that this application is in condition for allowance and an early action toward that end is most respectfully solicited.

Respectfully submitted,

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